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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/738,464

12/17/2003

Werner Jumpertz

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03/06/2006

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P.O. BOX 9227

SCARBOROUGH STATION

SCARBOROUGH, NY 10510-9227

EXAMINER

WANG, JIN CHENG

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/738,464

Applicant(s)

JUMPERTZ, WERNER

Examiner

Jin-Cheng Wang

Art Unit

2628

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-18.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See below.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Applicant argues in essence with Ronzani's reference. In response to applicant's arguments, however, Warner is the primary reference used in the Office Action.

Applicant argues that in Ronzani, building schematics does not meet the claim limitation of building topography data. However, even if the building schematics are floor plans as argued by applicant, the floor plans includes the topology of each floor or the floor topography and therefore they are the building floor topography data.

With respect to the pattern recognition of the image falling to the eye of the device user, Warner discloses identifying avoidance portions of the building and mapping the avoidance portions of the electronic image signal to the color image in a color range that is visually distinct from all other portions of the color image (Warner 12, lines 63-67 and column 13, lines 1-20) and therefore Warner discloses determining a plurality of positions such as the avoidance zone in the burning building for the device user by identifying the image signals sent by the camera to allow for a rescue operation to be performed (column 11, lines 11-50). Warner thus discloses identifying the images in the avoidance zones among a plurality of the images in a variety of zones by pattern recognition.

Moreover, Ronzani discloses in column 19 in another application of the head-mounted display device allowing for the information exchange between the police officer and the central station wherein the police officer is equipped with the external sensors with the night vision and magnetic or optical reader which can read driver licenses or other identification and provide read information (image signals) to the police station for verification and a warrants check. The result of the pattern recognition of the driver licenses and the image data stored in the police station is sent back to the police office along with the police officer's instantaneous position. Therefore, the image falling near or about the eyes of the police officer related to the driver licenses or other identification is recorded by the night vision sensors and sent to the police station for verification wherein the verification requires pattern recognition of the image of the driver licenses.

Ronzani discloses in Figs. 1-2, 37-38 and column 18-19 a head mounted display device for a personal firefighter in which GPS sensors along with the building schematics (i.e., the building map images) by the CPU to provide the firefighter and the truck with the firefighter's exact position in the building. In addition, the CPU can calculate and direct the firefighter to all exits from the building and the firefighter's paths into the building are recorded in the local data storage so the firefighter can be directed out of the building following a path as determined/recorded/recognized as the firefighter entered the building and the directions for back-tracking or otherwise exiting the building are pictorially displayed on the display panel (i.e., images being displayed) so the firefighter can exit even in low or no visibility situations. Moreover, infrared sensor permits the firefighter to view the surrounding through heavy smoke and data from the infrared sensor can aid the firefighter in located trapped fire victims. It is well known to one of the ordinary skill in the art that the entrance paths or the exit paths in a building are formed by a plurality of images of the building so that the fire fighter can see the displayed images along the path and figure out how to enter or exit accordingly. Ronzani discloses the recorded image data along the firefighter's entrance paths and the image signals captured by the GPS sensors as means for determining the firefighter's exact position. The entrance or exit paths in the building require evaluating a plurality of the images in the building to be recorded and subsequently presented to a fire fighter. This determination of the exit path requires recognizing the images forming an exit path in a complex building among the images of the building schematics as recorded on the local data storage together with the aid of the image signals or GPS position signals recorded by a variety of sensors including the GPS sensors. Therefore, Ronzani teaches a pattern recognition of the images along the firefighter's entrance or exit path (i.e., the image falling near the device user upon entrance of the fire fighter to the building so that the exit path can be determined) by recognizing the images along the path among the large number of the images from the building map/schematics combined with the GPS information to figure out the exact location as well as the exit paths for firefighters.

One of the ordinary skill in the art would have been motivated to do this to determine the firefighter's exact position in the building and to figure out the exit path for the firefighter (Ronzani column 18, lines 20-67 and column 19, lines 1-50) as well as to figure out the dangerous zones that the firefighter should tacitly avoid (Warner 12, lines 63-67 and column 13, lines 1-20).